

House File 294 - Introduced

HOUSE FILE 294

BY R. OLSON

A BILL FOR

1 An Act relating to administrative sanctions and criminal
2 penalties for driving without a valid driver's license.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.218, subsections 1, 2, and 3, Code
2 2013, are amended to read as follows:

3 1. A person whose driver's license or operating privilege
4 has been denied, canceled, suspended, or revoked as provided
5 in this chapter or as provided in section 252J.8 or section
6 901.5, subsection 10, and who operates a motor vehicle upon
7 the highways of this state while the license or privilege is
8 denied, canceled, suspended, or revoked, commits a ~~simple~~
9 serious misdemeanor. ~~In addition to any other penalties, the~~
10 ~~punishment imposed for a violation of this subsection shall~~
11 ~~include assessment of~~ punishable by a fine of not less than ~~two~~
12 ~~hundred fifty~~ three hundred fifteen dollars nor more than one
13 thousand ~~five~~ eight hundred ~~seventy-five~~ dollars.

14 2. The sentence imposed under this section shall not be
15 suspended by the court, notwithstanding section 907.3 or any
16 other statute. However, the court may, in its discretion,
17 order the person to perform community service work equivalent
18 in value to the fine imposed, as provided in section 909.3A.

19 3. a. The department, upon receiving the record of the
20 conviction of a person under this section upon a charge of
21 operating a motor vehicle while the license of the person is
22 suspended or revoked, shall, except for licenses suspended
23 under section 252J.8, 321.210, subsection 1, paragraph "a",
24 subparagraph (3), or section 321.210A or 321.513, extend the
25 period of suspension or revocation for an additional like
26 period or for one year, whichever period is shorter, and the
27 department shall not issue a new driver's license to the person
28 during the extended period. For purposes of this paragraph,
29 "new driver's license" does not mean a temporary restricted
30 license issued under section 321.215.

31 b. If the department receives a record of a conviction of
32 a person under this section but the person's driving record
33 does not indicate what the original grounds of suspension were,
34 the period of suspension under this subsection shall be for a
35 period not to exceed six months.

1 Sec. 2. Section 321.561, Code 2013, is amended to read as
2 follows:

3 **321.561 Punishment for violation.**

4 It shall be unlawful for any person found to be a habitual
5 offender to operate any motor vehicle in this state during
6 the period of time specified in section 321.560 except for a
7 habitual offender who has been granted a temporary restricted
8 license pursuant to section 321.215, subsection 2. A person
9 violating this section commits ~~an aggravated~~ a serious
10 misdemeanor punishable by a fine of not less than three hundred
11 fifteen dollars nor more than one thousand eight hundred
12 seventy-five dollars. The court may, in its discretion, order
13 the person to perform community service work equivalent in
14 value to the fine imposed, as provided in section 909.3A.

15 Sec. 3. NEW SECTION. **321.561A Multiple offenses involving**
16 **one event or occurrence of driving.**

17 The court shall not enter a judgment or deferred judgment
18 for more than one offense of operating a motor vehicle while
19 the person's driver's license is denied, canceled, suspended,
20 revoked, or barred under section 321.218, subsection 1, section
21 321A.32, subsection 1, or section 321J.21, subsection 1, or any
22 combination of such offenses, involving one event or occurrence
23 of driving.

24 Sec. 4. Section 321A.32, subsection 1, Code 2013, is amended
25 to read as follows:

26 1. Any person whose license or registration or
27 nonresident's operating privilege has been suspended, denied,
28 or revoked under this chapter or continues to remain suspended
29 or revoked under this chapter, and who, during such suspension,
30 denial, or revocation, or during such continuing suspension
31 or continuing revocation, drives any motor vehicle upon any
32 highway or knowingly permits any motor vehicle owned by such
33 person to be operated by another upon any highway, except as
34 permitted under this chapter, shall be guilty of a ~~simple~~
35 serious misdemeanor. ~~In addition to any other penalties, the~~

1 ~~punishment imposed for a violation of this subsection shall~~
2 ~~include assessment of~~ punishable by a fine of not less than ~~two~~
3 ~~hundred fifty~~ three hundred fifteen dollars nor more than one
4 thousand ~~five~~ eight hundred ~~seventy-five~~ dollars. The court
5 may, in its discretion, order the person to perform community
6 service work equivalent in value to the fine imposed, as
7 provided in section 909.3A.

8 Sec. 5. Section 321J.21, Code 2013, is amended to read as
9 follows:

10 **321J.21 Driving while license suspended, denied, revoked, or**
11 **barred.**

12 1. A person whose driver's license or nonresident operating
13 privilege has been suspended, denied, revoked, or barred due
14 to a violation of this chapter and who drives a motor vehicle
15 while the license or privilege is suspended, denied, revoked,
16 or barred commits a serious misdemeanor. ~~In addition to any~~
17 ~~other penalties, the punishment imposed for a violation of this~~
18 ~~subsection shall include assessment of~~ punishable by a fine
19 of not less than three hundred fifteen dollars nor more than
20 one thousand eight hundred seventy-five dollars. However,
21 the court may, in its discretion, order the person to perform
22 community service work equivalent in value to the fine imposed,
23 as provided in section 909.3A.

24 2. In addition to the fine, the department, upon receiving
25 the record of the conviction of a person under this section
26 upon a charge of driving a motor vehicle while the license of
27 the person was suspended, denied, revoked, or barred, shall
28 extend the period of suspension, denial, revocation, or bar for
29 an additional like period or for one year, whichever period
30 is shorter, and the department shall not issue a new license
31 during the additional period.

32 EXPLANATION

33 This bill relates to the offense of driving without a valid
34 driver's license.

35 Under current law, if a person is convicted of operating

1 a motor vehicle while the person's driver's license has been
2 denied, canceled, suspended, or revoked under Code chapter 321
3 (motor vehicles and laws of the road), or pursuant to Code
4 section 252J.8 for failure to pay child support, pursuant to a
5 court order under Code section 901.5 for certain drug-related
6 offenses, or under Code chapter 321A (motor vehicle financial
7 responsibility), the penalty is a simple misdemeanor punishable
8 by a fine of not less than \$250 and not more than \$1,500 in
9 addition to any other penalties provided by law, which may
10 include confinement for up to 30 days. If the person is
11 a habitual offender who has been barred from driving, the
12 penalty is an aggravated misdemeanor, which is punishable by
13 confinement for not more than two years and a fine of at least
14 \$625 and not more than \$6,250. A person convicted of driving
15 while the person's license or operating privilege is suspended,
16 denied, revoked, or barred under Code chapter 321J (operating
17 while intoxicated), commits a serious misdemeanor punishable by
18 a fine of \$1,000 in addition to any other penalties provided by
19 law, which could include confinement for up to one year.

20 The bill provides that the penalty for driving without a
21 valid driver's license is the same, whether the offense is a
22 violation under Code chapter 321, 321A, or 321J. The bill
23 establishes that every such violation is a serious misdemeanor,
24 punishable by a fine of not less than \$315 and not more than
25 \$1,875. The bill specifies that the court may substitute
26 community service equivalent in value to the fine imposed.
27 In addition, a court shall not enter a judgment or deferred
28 judgment for more than one offense of operating a motor vehicle
29 while the person's driver's license is denied, canceled,
30 suspended, revoked, or barred for one event or occurrence of
31 driving.

32 Under current law, if a person is convicted under Code
33 section 321.218 of driving while the person's driver's license
34 is suspended or revoked, the department of transportation is
35 required to extend the period of suspension or revocation for

1 an additional like period or for one year, whichever period
2 is shorter, and the person is not eligible for a temporary
3 restricted license during the extended period. The bill
4 authorizes the department to issue a temporary restricted
5 license to such a person allowing the person to drive to and
6 from the person's home and specified places during specified
7 times for purposes of employment, health care for the person or
8 the person's dependent, the person's education, court-ordered
9 community service, and appointments with the person's parole or
10 probation officer.

11 Code section 321J.21 currently requires that when a
12 person is convicted of driving while the person's license was
13 suspended, denied, revoked, or barred under Code chapter 321J,
14 the department shall extend the period of suspension, denial,
15 revocation, or bar for an additional like period. The bill
16 provides that the extension shall be for an additional like
17 period or for one year, whichever period is shorter, consistent
18 with the similar provision in Code section 321.218.